IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3636 OF 2004

IN

NOTICE OF MOTION NO. 568 OF 2004

IN

SUMMARY SUIT NO. 1878 of 2000

Shree Sanjay Fatehpuria ..Plaintiff

versus

Shree Jitesh J. Shah ..Defendant

Mr. S. Pereira i/b. Mr. L.Bansal for the Plaintiff.

Defendant present in person.

CORAM : D. G. DESHPANDE,J.

DATE : 17TH DECEMBER,2004.

P.C. :

. This notice of motion is taken out by the defendant for restoration of earlier notice of motion No.568 of 2004 which was dismissed on 11.10.2004.

. Defendant states that he was not given any intimation by his advocate. He further states and undertakes that henceforth he will be appearing in court without fail. His statement and undertaking

is accpeted. Defendant is informed that the court is not going to wait for him or issue notice to him.

. Counsel for the plaintiff opposes this notice of motion. However in the circumstances the order of dismissal dated 11.10.2004 is set aside. Notice of Motion No.568 of 2004 is restored to file. Same to come up for hearing on 19.1.2005. Notice of Motion No. 3636 of 2004 is dispoed of accordingly.

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